

APPROVED and SO ORDERED.

ENTER: July 7, 2017

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

**BARBARA MILANOVIC,
SRDJAN MILANOVIC,**

MDL 2325

NO. 2:13-CV-30347

Plaintiffs,

v.

**AMERICAN MEDICAL SYSTEMS, INC.,
JOHNSON & JOHNSON**

Defendants.

**JOINT MOTION TO DISMISS DEFENDANT
AMERICAN MEDICAL SYSTEMS, INC. WITH PREJUDICE
AND PLAINTIFFS' MOTION TO TRANSFER MDLS**

Plaintiffs in the above-captioned case and defendant American Medical Systems, Inc. ("AMS") advise the Court that they have compromised and settled all claims between them in this action, including all counterclaims, cross-claims and third party claims. Accordingly, they jointly move the court to dismiss AMS as a defendant in this action with prejudice, parties to bear their own costs.¹

Other defendants, including Johnson & Johnson, remain in this action, and plaintiffs will continue to pursue this action against them. To that end, an Amended Short Form Complaint has been or will be filed against the remaining defendants.

Further, plaintiffs move to transfer this action from MDL 2325, In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation to: MDL 2327. Plaintiffs herein filed a Complaint or Short Form Complaint in MDL 2325 against American Medical

¹ The parties jointly move to dismiss AMS, Inc. with prejudice and terminate it from the Court's docket in this matter; the signatures for AMS on this motion relate only to the joint motion. The motion to transfer is made only by the plaintiffs.

Systems, Inc., and others. Within fourteen (14) days of the filing of this *motion*, plaintiffs will file an Amended Short Form Complaint that no longer includes American Medical Systems, Inc. as a named defendant.

Because American Medical Systems, Inc. is no longer a named defendant in this case, plaintiffs respectfully request that the Court: 1) GRANT the plaintiffs' motion to transfer this action from MDL 2325 to MDL 2327; and 2) direct the Clerk to disassociate this civil action as a member cases in MDL 2325 and re-associate it with MDL 2327.

Respectfully:

/s/ Barbara Binis

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Attorneys for Defendant American Medical Systems, Inc. with Respect to the Joint Motion to Dismiss Only

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Dated: 7/06/2017

CERTIFICATE OF SERVICE

I hereby certify that on 7/06/2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this member case.

/s/ Barbara R. Binis